

**EXHIBIT A**

## Donald Watnick

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**From:** Gary Kushner <gkushner@goetzfitz.com>  
**Sent:** Wednesday, December 04, 2013 7:05 PM  
**To:** Donald Watnick  
**Subject:** RE: OTR Media

what I had to say won't take very long.

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Donald Watnick  
**Date:** 12/04/2013 7:02 PM (GMT-05:00)  
**To:** Gary Kushner  
**Subject:** RE: OTR Media

When are you available on Thu.? Interesting that at 4:34 p.m. you wrote an email suggesting a call should occur today when you were leaving at 5 p.m.

### **Donald E. Watnick**

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**From:** Gary Kushner [mailto:gkushner@goetzfitz.com]  
**Sent:** Wednesday, December 04, 2013 6:56 PM  
**To:** Donald Watnick  
**Subject:** RE: OTR Media

Our office holiday party is tonight. We all left at 5pm.

----- Original message -----

From: Donald Watnick  
Date: 12/04/2013 6:52 PM (GMT-05:00)  
To: Gary Kushner  
Subject: RE: OTR Media

I phoned you at approx. 520 p.m. and left you a voicemail. You have not returned my call. What time on Thu. are you available?

**Donald E. Watnick**  
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**From:** Donald Watnick [<mailto:dwatnick@watnicklaw.com>]  
**Sent:** Wednesday, December 04, 2013 4:45 PM  
**To:** 'Gary Kushner'  
**Subject:** RE: OTR Media

I can speak Thu. or this afternoon after 5:30 (or possibly earlier if a call I am about to start does not go long). Thu. would be preferable.

BTW, I don't understand why your email starts with a gratuitous and silly statement, which is all the more so when it is your own schedule that is creating a timing issue.

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**From:** Gary Kushner [<mailto:gkushner@goetzfitz.com>]

**Sent:** Wednesday, December 04, 2013 4:34 PM

**To:** Donald Watnick

**Subject:** RE: OTR Media

If you intend to comply with the courts order, I suggest we speak today. I am leaving for vacation on Friday. gmk

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**From:** Donald Watnick [<mailto:dwatnick@watnicklaw.com>]

**Sent:** Tuesday, December 03, 2013 10:56 AM

**To:** [ess\\_hearings@nyeb.uscourts.gov](mailto:ess_hearings@nyeb.uscourts.gov)

**Cc:** Gary Kushner; Scott Simon

**Subject:** FW: OTR Media

Ms. Jackson:

This office represents Edward Arrigoni, with respect to the conference set by the Court for Dec. 11, 2013 (ECF No. 80). In regards to the letter dated Dec. 2, 2013 from OTR Media counsel (ECF No. 81; copy attached) requesting an adjournment of that conference to Dec. 20 or 23, I can be available for the conference on either of those two dates.

Respectfully submitted,

**Donald E. Watnick**

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